

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

---

THE CITY OF NEW YORK,

Plaintiff,

v.

OLD DOMINION TOBACCO COMPANY,  
INCORPORATED d/b/a ATLANTIC  
DOMINION DISTRIBUTORS,

Defendant.

Case No. 1:20-cv-05965

---

**NOTICE OF MOTION TO COMPEL**

PLEASE TAKE NOTICE, that upon the supporting Memorandum of Law dated July 7, 2023, the affirmation of Mary Grace W. Metcalfe dated July 7, 2023 together with the exhibits annexed, the affidavit of Kevin Barney, and all prior pleadings and proceedings filed in this case, Defendant Old Dominion Tobacco Company Inc. d/b/a Atlantic Dominion Distributors (“Atlantic Dominion”), will move this Court before the Hon. Ramon Reyes, 225 Cadman Plaza East, Brooklyn, New York, at a time to be fixed by the Court, for an order pursuant to this Court’s Order and Rules 26(a) and (b) of the Federal Rules of Civil Procedure, for an order (i) compelling a full and complete privilege log of all withheld documents; (ii) compelling the production of relevant documents that have been improperly withheld, (iii) directing plaintiff to pay defendant’s reasonable expenses incurred in making this motion, including attorneys’ fees, and (iv) such other and further relief as may be deemed just and proper.

PLEASE TAKE FURTHER NOTICE that oral argument will be on a date and at a time to be designated by the Court.

Dated: New York, New York  
July 7, 2023

TROUTMAN PEPPER HAMILTON  
SANDERS LLP

By: /s/ Avi Schick  
Avi Schick  
875 Third Avenue  
New York, New York 10022  
Tel.: (212) 704-6000  
Email: [avi.schick@troutman.com](mailto:avi.schick@troutman.com)

*Attorneys for Defendant*